

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-9 are pending in this application. Claims 1 and 9 are independent claims. In this Reply, Applicant has amended claims 1, 5 and 9 and has amended the title of the invention.

In reply to the objection to the title as being insufficiently descriptive, Applicant has amended the title to read
--IDENTIFICATION PHOTO SYSTEM AND IMAGE PROCESSING METHOD, WHICH AUTOMATICALLY CORRECTS IMAGE DATA OF A PERSON IN AN IDENTIFICATION PHOTO-- to be more clearly indicative of the claimed invention. Applicant requests that the Examiner approve the title or suggest an alternative title that would be acceptable.

Prior Art Rejections

Claims 1-4, 8 and 9 stand rejected under 35 USC §102 as allegedly being anticipated by Nishikawa (US 5,296,945). Claims 5 and 6 stand rejected under 35 USC §103 as allegedly being unpatentable over Nishikawa in view of Belucci (US 5,913,542). Claim 7 stands rejected under 35 USC §103 as allegedly being unpatentable over Nishikawa in view of O'Brill (US 5,937,081). These rejections, in so far as they may pertain to the presently pending claims, are respectfully traversed.

Independent claim 1 is directed to an identification photo system that obtains image data for an identification photo for a person from image data of the person. As amended, claim 1 specifies that the identification photo system comprises an automatic correcting device that automatically corrects the image data of the person, wherein the automatic correcting device detects a person area in the image data, compares the size of the person area in the image data with a predetermined size, and changes the size of the image so that the size of the person area is the predetermined size.

Independent claim 9 is directed to an image processing method in which image data for an identification photo of a person is obtained from image data of the person. As amended, claim 9 specifies that the image processing method comprises: abstracting a skin pigmentation area from an image of the person; calculating skin pigmentation correction values according to colors of the abstracted skin pigmentation area and a predetermined skin pigmentation correction target value; correcting the colors of the skin pigmentation area according to the calculated skin pigmentation correction values; determining the size of a person area in the image data; comparing the size of the person area in the image data with a predetermined size; and changing the size of the image so that the size of the person area is the predetermined size.

As stated on page 5 of the Office Action, the Examiner acknowledges that the primary reference, Nishikawa, fails to teach an operation for changing the size of a person area in an image as now recited in independent claims 1 and 9, but relies on the secondary teachings of Belucci as allegedly making-up for these deficiencies. More specifically, the Examiner cites Column 5, lines 14-49 of Belucci as allegedly teaching features.

Applicant respectfully submits, however, that this cited portion of the Belucci fails to disclose an operation in which the size of a person area in an image is compared with a predetermined size and the size of the image is changed so that the size of the person area is the predetermined size. Furthermore, the Examiner's reliance on the additional secondary teachings of O'Brill in rejecting claim 7 fails to make-up for this deficiency of the asserted Nishikawa - Belucci combination. Therefore, the asserted combination of references (assuming that these references may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of any currently pending claim.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the Examiner's prior rejections.

Conclusion

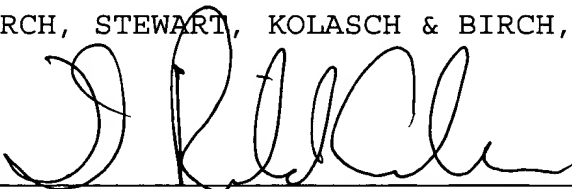
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson, #40,439

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

DRA/mlr
0879-0295P